

Adulteration of the article was alleged in the libel for the reason that an excessive amount of water had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for process butter, which the article purported to be.

Misbranding of the article was alleged for the reason that the statement, to wit, "Process Butter," was false and misleading and deceived and misled the purchaser into the belief that it was process butter, whereas, in truth and in fact, it was not, but was a butter containing an excessive amount of water, and for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, process butter, whereas, in truth and in fact, it was not.

On March 25, 1919, the said Charles M. Shank, claimant, having entered his appearance, judgment of condemnation and forfeiture was entered, and it was ordered by the court that, upon the payment of the costs of the proceedings, the product should be released to said claimant, upon condition that it should be reworked under the supervision of the deputy collector of internal revenue for the District of Maryland.

E. D. BALL,
Acting Secretary of Agriculture.

7035. Adulteration of catsup. U. S. * * * v. 1,750 Cases of Tomato Catsup. Consent decree of condemnation and forfeiture. Good portion ordered released on bond. Unfit portion ordered destroyed. (F. & D. No. 9557. I. S. No. 2327-r. S. No. W-257.)

On January 16, 1919, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1,750 cases, each containing 6 tins of tomato catsup, consigned on or about October 30, 1918, by John W. McCarthy, Jr., & Co., San Francisco, Cal., alleging that the article had been shipped and transported from the State of California into the State of Washington, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy and decomposed vegetable substance.

On February 7, 1919, the said John W. McCarthy, Jr., & Co., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$6,000, in conformity with section 10 of the act, conditioned in part that the product should be inspected under the supervision of a representative of this department, and that the good portion found fit for consumption should be released to said claimant, and the unfit portion destroyed by the United States marshal.

E. D. BALL,
Acting Secretary of Agriculture.

7036. Adulteration and misbranding of evaporated milk. U. S. * * * v. 50 Cases of Alleged Evaporated Milk. Consent decree of condemnation and forfeiture. Good portion ordered released on bond. Unfit portion ordered destroyed. (F. & D. No. 9560. I. S. No. 5620-r, S. No. C-1026.)

On December 30, 1918, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 50 cases of a product, unlabeled, alleged to be evaporated